

Brian C. Rocca, S.B. #221576  
brian.rocca@morganlewis.com  
Sujal J. Shah, S.B. #215230  
sujal.shah@morganlewis.com  
Michelle Park Chiu, S.B. #248421  
michelle.chiu@morganlewis.com  
Minna Lo Naranjo, S.B. #259005  
minna.naranjo@morganlewis.com  
Rishi P. Satia, S.B. #301958  
rishi.satia@morganlewis.com  
**MORGAN, LEWIS & BOCKIUS LLP**  
One Market, Spear Street Tower  
San Francisco, CA 94105  
Telephone: (415) 442-1000

Richard S. Taffet, *pro hac vice*  
richard.taffet@morganlewis.com  
**MORGAN, LEWIS & BOCKIUS LLP**  
101 Park Avenue  
New York, NY 10178  
Telephone: (212) 309-6000

*Counsel for Defendants Google LLC et al*

Glenn D. Pomerantz, S.B. #112503  
glenn.pomerantz@mto.com  
Kuruvilla Olas, S.B. #281509  
kuruvilla.olasa@mto.com  
Nicholas R. Sidney, S.B. #308080  
nick.sidney@mto.com  
**MUNGER, TOLLES & OLSON LLP**  
350 South Grand Avenue, Fiftieth Floor  
Los Angeles, California 90071  
Telephone: (213) 683-9100

Kyle W. Mach, S.B. #282090  
kyle.mach@mto.com  
Justin P. Raphael, S.B. #292380  
justin.rafael@mto.com  
Emily C. Curran-Huberty, S.B. #293065  
emily.curran-huberty@mto.com  
Dane P. Shikman, S.B. #313656  
**MUNGER, TOLLES & OLSON LLP**  
560 Mission Street, Twenty Seventh Floor  
San Francisco, California 94105  
Telephone: (415) 512-4000

Jonathan I. Kravis, *pro hac vice*  
jonathan.kravis@mto.com  
**MUNGER, TOLLES & OLSON LLP**  
601 Massachusetts Ave. NW, Suite 500E  
Washington, D.C. 20001  
Telephone: (202) 220-1100

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA,**  
**SAN FRANCISCO DIVISION**

**IN RE GOOGLE PLAY STORE  
ANTITRUST LITIGATION**

This Document Relates To:

*Epic Games, Inc. v. Google LLC et al., Case  
No. 3:20-cv-05671-JD*

*In re Google Play Consumer Antitrust  
Litigation, Case No. 3:20-cv-05761-JD*

*State of Utah et al. v. Google LLC et al., Case  
No. 3:21-cv-05227-JD*

*Match Group, LLC et al. v. Google LLC et al.,  
Case No. 3:22-cv-02746-JD*

Case No. 3:21-md-02981-JD

**DECLARATION OF GREGORY  
JOHNSON IN SUPPORT OF  
DEFENDANTS' BRIEF IN  
RESPONSE TO THE COURT'S  
QUESTIONS REGARDING  
PRESERVATION OF CHAT  
MESSAGES**

Judge: Hon. James Donato

1

2

3

## 10

11

15

23

1 new individuals that may have information relevant to the claims, I would apply the legal hold and  
2 send the legal hold notice through the discovery operations tracking system to those new  
3 individuals. Subsequently, I also received updated legal hold notice language from counsel that  
4 reflected additional parties and legal theories and was responsible for sending those updated legal  
5 hold notices to all legal hold custodians. As of now, Google has placed 383 employees on legal  
6 hold for this matter.

7       5. In addition to sending numerous amended legal hold notices over time, I also sent  
8 repeated emails to a list of Google employees in this matter, at the instruction of counsel,  
9 reminding them that they are on legal hold. In almost every such reminder, we emphasized that  
10 Google has an obligation to preserve chat messages for this case, or specifically reminded  
11 employees that to the extent they use chats, they should take steps, such as turning “history on,” to  
12 preserve them.

13       6. On at least one occasion in July 2021, consistent with the testimony of our  
14 Information Governance Lead (Genaro Lopez) at the evidentiary hearing—an excerpt of which  
15 was provided to me by counsel for review—I reminded legal hold notice recipients by email that  
16 they should avoid Chat for any topic covered by the legal hold. I also told them, consistent with  
17 Mr. Lopez’s testimony, that if they needed to use Google Chat to talk about topics covered by the  
18 litigation hold, then they needed to turn history on to make sure their communications would be  
19 preserved.

20                                   **Preservation Approach for Past Five Years**

21       7. I understand that the Court has asked the following question:

22                   *“In any case filed in the United States in the past five years, did Google preserve*  
23                   *all Google Chats for relevant individuals (with Google turning the history to “on”*  
24                   *for all of those individuals’ Google Chats, rather than leaving the preservation*  
                      *decision to the discretion of each individual employee)?”*

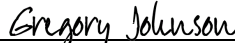
25       8. I have been a Litigation Paralegal at Google for over 10 years and have participated  
26 in hundreds of litigation matters while in this position, and my understanding is that Google has, at  
27 least for the past five years, maintained the same approach to preserving Google Chats for legal  
28 hold recipients in all of its cases. That general approach is that Google preserves (a) automatically

1 (no user action required) the threads in which a legal hold recipient participates in threaded  
2 rooms/spaces, and (b) any unthreaded chats (either one-on-one or among a group) in which a  
3 participant turned history on.

4 9. I have taken a number of steps to confirm this. First, over the course of my more  
5 than 10 years as a Litigation Paralegal at Google, I have never been involved in a case in which  
6 Google automatically preserved all chats, without individual user action, beyond those in threaded  
7 room/spaces. Second, I have surveyed the team of Google paralegals that handle all U.S. litigation  
8 matters at Google, and to the best of my understanding, none is aware of any case in which  
9 Google automatically preserved all chats automatically beyond threaded rooms/spaces. I spoke  
10 with almost all members of that group, and they confirmed that Google's practice in all their cases  
11 is to instruct legal hold recipients to not use Google Chat for topics covered by the legal hold, and  
12 if necessary to turn history on for any such chat (which would not be necessary if all their Google  
13 Chats were being automatically preserved). Finally, I have confirmed with our Information  
14 Governance Lead, Genaro Lopez, who confirmed he is not aware of any instance in which the  
15 legal team has asked his team to force "history on" for all Google Chats for legal hold recipients.

16  
17 I declare under penalty of perjury under the laws of the United States that the foregoing is  
18 true and correct.

19  
20 Executed on this 24th day of January, 2023, in San Francisco, California.

21  
22 DocuSigned by:  
23   
24 Gregory Johnson  
25  
26  
27  
28